

GRANT SOLICITATION AND APPLICATION PACKAGE

**American Recovery and Reinvestment Act of
2009 Cost Share**



**Alternative and Renewable Fuel and Vehicle
Technology Program**

April 22, 2009

GRANT SOLICITATION AND APPLICATION

Subject Area: American Recovery and Reinvestment Act Cost Share

Release Date: April 22, 2009

Purpose:

This is a competitive solicitation, limited to applicants who are submitting proposals to the federal government in response to a transportation-related American Recovery and Reinvestment Act (ARRA) funding opportunity announcement. The California Energy Commission (Energy Commission) through the Alternative and Renewable Fuel and Vehicle Technology Program (program) is offering eligible applicants funding to be used as cost share to their proposal to the federal government.

To be eligible for funding, applicants must fulfill all of these requirements:

- Be found to be consistent with the *Investment Plan for the Alternative and Renewable Fuel and Vehicle Technology Program*.
- Seek and obtain an award through one of the ARRA funding opportunity announcements identified in this solicitation.
- Address the evaluation criteria contained in this solicitation.

The maximum funding available for this solicitation is \$176 million.

This is an open solicitation and all types of organizations may be eligible to apply.¹ Proposals submitted under this solicitation may request funding only for new projects. All projects must be based in California. Organizations may submit multiple proposals. However, each proposal must be for a distinct, separate project and must be submitted separately adhering to all requirements contained in this solicitation.

Background:

The Energy Commission, in response to recent legislation,² is implementing the program to develop and deploy alternative and renewable fuels and advanced transportation technologies to achieve the state's climate change policies, reduce petroleum use, increase the use of alternative fuels and spur the development of in-state bioenergy sources. The program will provide a foundation for the sustainable development and use of transportation energy and an economic stimulus to create California jobs and businesses by encouraging the invention and production of the technologies and

¹ Please refer to the relevant ARRA funding opportunity announcement(s) for federal eligibility requirements.

² Assembly Bill 118 (Núñez, Chapter 750, Statutes of 2007) and Assembly Bill 109 (Núñez, Chapter 351, Statutes of 2008).

services necessary for the future transportation system. This seven-year program is funded at up to \$120 million per year. Although significant, the funding needed to transform California's transportation system is far greater than what the program provides, and requires the Energy Commission to effectively leverage its funding with other agencies and private industry.

The program statutes direct the Energy Commission to develop and adopt an *Investment Plan* to determine priorities and opportunities for the program, and describe how funding will complement existing public and private investments, including existing state and federal programs. The Energy Commission adopted the *Investment Plan* at its April 22, 2009, Business Meeting.

Table 1 presents the fuel and technology categories, specific project activities and allocated funds approved by the Energy Commission in the *Investment Plan*. Proposals submitted in response to this solicitation must be consistent with these categories and the allocations as they may be modified from time to time.

Table 1

Fuel/Technology	Project/Activity	Number of Vehicles/Projects	Two-Year Allocation (FY 2008-09 and FY 2009-10)
Electric Drive	Plug-In Hybrid Electric Passenger Vehicle Retrofits	350	\$3.5 Million
	Medium- and Heavy-Duty Hybrid Vehicle RD&D Projects	10	\$10 Million
	Non-Road Deployment Projects for Ports, Truck Stop Electrification, and Other Non-Road Applications	125	\$11.5 Million
	Charging Stations	6500	\$12 Million
	Manufacturing Facilities and Equipment	5	\$9 Million
	Subtotal		\$46 Million
Hydrogen	Public Access Hydrogen Fueling Stations	11	\$40 Million
	Subtotal		\$40 Million
Ethanol	Ethanol Feedstock and Project Feasibility Studies for New Plants	20	\$3 Million
	New Pilot Plants Using Waste Feed Stocks	2	\$4 Million
	E-85 Fueling Stations	50	\$5 Million
	Subtotal		\$12 Million

Renewable Diesel/Biodiesel	Production Plants Using Waste Feed Stocks	5	\$2 Million
	Fuel Terminal Storage and Blending Facilities	2	\$4 Million
	Subtotal		\$6 Million
Natural Gas	Medium- and Heavy-Duty Vehicles for Ports, Trucks, School Buses, and Other Vehicles	700	\$23 Million
	Light-Duty Vehicles	300	\$2 Million
	Fueling Station Installations	20	\$8 Million
	Biomethane Production Plants	Up to 10	\$10 Million
	Subtotal		\$43 Million
Propane	Medium- Duty Propane School Buses and Other Vehicles	Up to 150	\$2 Million
	Subtotal		\$2 Million
Market and Development	Workforce Training and Development	4	\$15 Million
	Sustainability Studies	2	\$4 Million
	Public Outreach/Education	3	\$1 Million
	Standards and Certifications	5	\$4 Million
	Public Outreach/Education	3	\$1 Million
	Technical Assistance and Environmental/Market/Technology Analyses	3	\$3 Million
	Subtotal		\$27 Million
	Grand Total		\$176 Million

ARRA Funding Opportunity Announcements:

To participate in this solicitation, applicants must be submitting proposals to the federal government in response to one of the following ARRA funding opportunity announcements:

- Transportation Electrification (Round 1), DE-FOA-0000028
- Energy Efficiency and Renewable Energy Research – Electric Drive Battery and Component Manufacturing Initiative, DE-FOA-0000026
- Clean Cities (Rounds 1 and 2), DE-PS26-09NT01236-04
- Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER)

- Energy Efficiency and Renewable Energy Research – Biomass (Solicitation not yet issued)
- Transportation Electrification (Round 2) (Solicitation not yet issued)
- Department of Labor announcement(s) (Solicitation not yet issued)
- General Services Administration announcement(s) (Solicitation not yet issued)
- Other opportunities that will be announced by addendum.

Table 2

ARRA Funding Opportunity Announcement	Pre-Proposals to Energy Commission	Letter of Intent Provided To Applicants	Final Proposals to Energy Commission by 3:00 p.m.	Tentative Dates for Federal Award Notifications
Transportation Electrification DE-FOA-0000028 Round 1	5/8/09	5/11/09	5/20/09	7/09
Battery & Component Manufacturing DE-FOA-0000026	5/8/09	5/15/09	5/26/09	7/09
TIGGER	5/8/09	5/20/09	5/29/09	8/09
Clean Cities Round 1	5/8/09	5/27/09	6/5/09	8/09
Clean Cities Round 2	9/1/09	9/28/09	10/7/09	12/09
EERE – Biomass	TBD	TBD	TBD	TBD
Transportation Electrification Round 2	TBD	TBD	TBD	TBD
Department of Labor	TBD	TBD	TBD	TBD
General Services Administration	TBD	TBD	TBD	TBD

The Energy Commission reserves the right to add or delete ARRA funding opportunity announcements from this Solicitation.

Project Selection and Award Process:

The Energy Commission will employ the following two-step process involving submittal of a pre-proposal and, if invited, a final proposal. Technical experts within or outside the Energy Commission will review pre-proposals and final proposals on a confidential basis.

1) Pre-Proposals

- The Energy Commission will accept all pre-proposals that contain the following information:
 - Cover Page (see Attachment A).
 - Project Summary (see Attachment B). **The Project Summary must address all bullets or provide a statement of why the bullet is not applicable.**
 - Short biographies, no more than 200 words per person (for the Project Manager/Principal Investigator and key project personnel (individuals in your organization or subcontractors)), emphasizing experience related to the activities to be performed in the proposed project. Be specific. Please do not submit complete resumes.
 - Signature of the organization's authorized representative.
- **Grounds for rejection:** A pre-proposal **WILL** be rejected and not considered for funding if it:
 - Does not include the signature of the organization's authorized representative.
 - Requests an amount for any Project/Activity greater than the amount identified in Table 1.
 - Is not received by the Energy Commission by the specified date and time corresponding to the applicable ARRA funding opportunity announcement(s).
- The Energy Commission will provide a Letter of Intent to Provide Funding (Letter of Intent) for selected pre-proposals. Applicants may include the Letter of Intent in an application for funding through any of the federal funding opportunity announcements specified in **this solicitation. Applicants that do not receive a Letter of Intent will not be eligible for funding pursuant to this solicitation.**
- Applicants may request a debriefing to determine why their Pre-Proposal was not selected. A request for debriefing must be received no later than 30 days after Letters of Intent are postmarked.

2) Final Proposals

- Applicants that receive a Letter of Intent will be invited to submit a final proposal to the Energy Commission. **Receipt of a Letter of Intent does NOT guarantee that the final proposal will be approved for funding.**
- The Energy Commission may invite applicants to a clarification interview for their final proposals. Applicants may appear in person at the Energy Commission or discuss the proposal by telephone. The Energy Commission will provide no reimbursement to any applicant for the interview appearance.
- Final proposals will be recommended for funding based on successful evaluation, using criteria that will be released in an addendum to this

solicitation and receipt of an ARRA award from the federal government. The final proposal must include the following:

- A copy of the application submitted to the federal government in response to an ARRA funding opportunity announcement
- An Energy Commission budget page (Attachment D)
- A response to the scoring criteria, listed in Attachment C. (to be released in an addendum to this solicitation).
- **Grounds for Rejection.** A final-proposal **WILL** be rejected and not considered for funding if:
 - The applicant has not submitted a proposal by the required deadline to a federal ARRA solicitation.
 - The application is not received by the Energy Commission Grants and Loans office by 3 p.m. on the due date.
- The Energy Commission reserves the right to determine the number of final proposals it will fund, and to negotiate the final project scope and the level of funding received pursuant to this solicitation.
- Applicants may request a debriefing to determine why their Proposal was not selected. A request for debriefing must be received no later than 30 days after announcement of decision.
- Applicants approved for an award pursuant to this solicitation will be required to prepare a detailed set of award documents, including but not limited to: a Work Statement; a list of products and due dates; and detailed budget documents.
- Upon receiving the required documents, the Energy Commission will prepare a Grant Agreement, including applicable Terms and Conditions,³ and send it to the grant recipient for review, approval, and signature.
- Once the grant recipient returns the signed documents to the Energy Commission, the Grant Agreement will be scheduled and heard at an Energy Commission Business Meeting for approval. If approved, the Energy Commission will fully execute the Grant Agreement. Recipients are approved to begin the project only after the date of the full and final execution of the Grant Agreement.
- If the Energy Commission is unable to successfully execute a funding agreement with an Applicant, the Applicant will be responsible for obtaining sufficient cost share to meet ARRA funding requirements.

Schedule of Proposal and Award Process:

³ Samples of the required detailed award documents and the Grant Terms and Conditions can be found at [<http://www.energy.ca.gov/contracts/>] as part of this solicitation package. However, please note that the Energy Commission reserves the right to modify the award documents and/or Terms and Conditions prior to executing Grant Agreements.

Event	Date
Release of Solicitation	April 22, 2009
Workshop	April 27, 2009
Posting of Questions & Answers from Workshop	May 1, 2009
Question and Answer Period	Open
Posting of Questions and Answers	Ongoing questions may take up to 5 working days to be answered
Deadline to Submit Pre-Proposals	As listed in Table 2
Release of Letters of Intent	As listed in Table 2
Workshop for Final Proposers	TBD
Deadline to Submit Final Proposals	As listed in Table 2
Approval of Awards at Energy Commission Business Meeting	TBD

Further information will be released in addendums as it becomes available.

Confidential Information:

Do not submit confidential information as part of the pre-proposal. Applicants may request permission to submit confidential information in their final application if they believe such information is necessary to understand their proposal. Energy Commission staff will make the determination to request the confidential information from the applicant.

Applicants may *propose* to deliver confidential products during the course of the project. If necessary, instructions on submitting confidential products will be provided by the Energy Commission prior to executing the Grant Agreement.

Administrative Information:

Federal

Projects selected by the federal government for ARRA funding must comply with various federal administrative and national policy requirements. Applicants must review the relevant ARRA funding opportunity announcement(s) for information regarding these requirements.

State

- **Payment of Prevailing Wage**

Some projects under this solicitation might be considered public works pursuant to the California Labor Code. If the project is a public work, prevailing wage is required. The

California Department of Industrial Relations (DIR) has jurisdiction to decide whether a particular project is or is not a public work. If the project involves construction, alteration, demolition, installation, repair or maintenance work, it probably would be considered by DIR to be a public work. Examples of the activities that would probably lead DIR to find that the project involves public works include: cement work, site preparation such as grading, surveying, electrical work such as wiring, and carpentry work. Certain workers are entitled to prevailing wage, such as operating engineers, surveyors, carpenters, laborers, etc. However, other trades are not entitled to prevailing wage, such as engineers and project superintendents.

Applicants are encouraged to determine if the proposed project involves public works as soon as possible. In order to determine if the proposed project involves public works, please contact DIR as directed in Attachment G. If the Applicant is unsure whether the proposed project involves public works and has not received a determination from DIR that the project is not a public work, the proposed budget must provide for the payment of prevailing wages. Indicate whether the proposed budget includes prevailing wage.

If the proposed project is a public work, DIR maintains a list of covered trades and the applicable prevailing wage. Any agreement resulting from this solicitation will include the requirements for a public works project, such as paying prevailing wage, keeping payroll records, complying with working hour requirements, and apprenticeship obligations. See the sample terms and conditions, the Special Condition regarding Prevailing Wage Compliance (Attachment E), and Prevailing Wage Compliance Certification Form (Attachment F).

For detailed information about prevailing wage and the process to determine if the proposed project is a public work, see the Prevailing Wage Compliance Questions and Answers (Attachment G).

- **California Environmental Quality Act**

Projects selected for funding may meet the definition of a “project” for purposes of the California Environmental Quality Act (CEQA). (See Public Resources Code section 21000 et seq.) If this occurs, the Energy Commission’s Legal staff will review the projects to determine whether an exemption applies that would prevent further actions under CEQA. If no exemption applies, certain CEQA requirements (such as, preparation of a negative declaration or environmental impact report) will have to be met prior to the Energy Commission approving the grant. The Applicant will have to pay the cost for these activities. Please refer to Title 20, California Code of Regulations, Chapter 6, Article 1, including section 2308.

Submission Deadlines:

Pre-proposals

Pre-proposals must be **received** by the Energy Commission’s Grants and Loans Office by 3:00 p.m. on May 8, 2009, or in accordance with Table 2. Neither postmark dates of

mailing nor facsimile (Fax) transmissions are acceptable in whole or in part under any circumstances. The Energy Commission will reject all proposals not received by the Grants and Loans Office by the stated due date and time.

Pre-proposals may be submitted electronically, or may be mailed or hand delivered to:

Sarah Williams
California Energy Commission
Grants and Loans Office
Attn: American Recovery and Reinvestment Act of 2009 Cost Share
1516 Ninth Street, MS-1
Sacramento, CA 95814
skawilli@energy.state.ca.us

Only pre-proposals may be submitted electronically. Upon receipt of electronically-submitted pre-proposals, an electronic receipt will be sent indicating the attachments received. Applicants who do not receive a receipt following submission of a pre-proposal should contact Sarah Williams.

Final proposals

Final proposals are due in accordance with Table 2, no later than 3 p.m. on the applicable due date to:

Sarah Williams
California Energy Commission
Grants and Loans Office
Attn: American Recovery and Reinvestment Act of 2009 Cost Share
1516 Ninth Street, MS-1
Sacramento, CA 95814
skawilli@energy.state.ca.us

Final proposals may only be submitted physically.

Availability of Solicitation Documents and Information:

This solicitation, all supporting documents and forms, and a link to the *Investment Plan for the Alternative and Renewable Fuel and Vehicle Technology Program (CEC-600-2009-008-CTF)* can be found at [www.energy.ca.gov/contracts/index.html] under "Current Solicitations." Interested parties may also sign on to the electronic mailing list on this webpage to be notified of any changes to this solicitation.

For those parties without Internet access, copies of this solicitation can be obtained by contacting:

California Energy Commission

Grants and Loans Office
1516 Ninth Street, MS-1
Sacramento, CA 95814
Telephone: 916-654-4584

Interested parties may also request to be added to the mailing notification list to receive changes made to this solicitation.

Amendment or Cancellation of this Solicitation:

The Energy Commission reserves the right to do any of the following:

- Cancel this solicitation;
- Amend or revise this solicitation as needed; or
- Reject any or all proposals received in response to this solicitation.

Workshop:

The Energy Commission will hold a workshop to discuss this solicitation on:

MONDAY, APRIL 27, 2009
Beginning at 9 a.m.
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
First Floor, Hearing Room A
Sacramento, California
(Wheelchair Accessible)

Remote Attendance

- **Web Conferencing** - Presentations and audio from the meeting will be broadcast via our WebEx web conferencing system. For details on how to participate via WebEx, please see the "Participation through WebEx" section at the end of this notice.
- **Webcast** - Presentations and audio from this meeting will be broadcast over the Internet through Windows Media. For details, please go to: [\[www.energy.ca.gov/webcast/\]](http://www.energy.ca.gov/webcast/).
- **Conference Call** - To participate in the meeting by phone, please call (866) 469-3239 by 9 a.m. Passcode: 925 964 539. Call Leader: Pilar Magaña

Public Participation

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission activities. For information on how to participate in this forum, please contact the Public Adviser's Office at (916) 654-4489 or toll free at

(800) 822-6228, by FAX at (916) 654-4493, or by e-mail at [PublicAdviser@energy.state.ca.us].

If you have a disability and require assistance to participate, please contact Lou Quiroz at (916) 654-5146 at least five days in advance.

Please direct all news media inquiries to the Media and Public Communications Office at (916) 654-4989, or by e-mail at [mediaoffice@energy.state.ca.us].

If you are interested in finding out more about making a power point presentation, or have technical questions on the subject matter, please contact Ms. Jennifer Allen of the Emerging Fuels and Technologies Office at the Energy Commission at (916) 653-0291 or e-mail at AB118@energy.state.ca.us.

Participation through WebEx, the Energy Commission's on-line meeting service

Computer Logon with a Direct Phone Number:

- Please go to [\[https://energy.webex.com\]](https://energy.webex.com) and enter the unique meeting number 925 964 539.
- When prompted, enter your information and the following meeting password meeting@9.
- After you login, a prompt will appear on-screen for you to provide your phone number. In the Number box, type your area code and phone number and click OK to receive a call back on your phone for the audio of the meeting. International callers can use the "Country/Region" button to help make their connection.

Computer Logon for Callers with an Extension Phone Number, etc.:

- Please go to [\[https://energy.webex.com\]](https://energy.webex.com) and enter the unique meeting number 925 964 539.
- When prompted, enter your information and the following meeting password meeting@9.
- After you login, a prompt will ask for your phone number. CLICK CANCEL.
- Instead call (866) 469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login. International callers can dial in using the "Show all global call-in numbers" link (also in the top left area).

Telephone Only (No Computer Access):

Call (866) 469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above. International callers can select their number from [\[https://energy.webex.com/energy/globalcallin.php\]](https://energy.webex.com/energy/globalcallin.php).

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. Please be aware that the meeting's WebEx audio and on screen activity may be recorded.

Questions:

Questions about this solicitation may be submitted in writing or via e-mail to:

Sarah Williams
California Energy Commission
Grants and Loans Office
Attn: American Recovery and Reinvestment Act of 2009 Cost Share
1516 Ninth Street, MS-1
Sacramento, CA 95814
or
Email: skawilli@energy.state.ca.us
(916) 654-4584

Questions received prior to the workshop will be answered at the Workshop and will be posted on the Energy Commission's website. All questions and answers will be posted on the Energy Commission website at [www.energy.ca.gov/contracts] as part of this solicitation package. The person and organization submitting a question will not be identified.

Attachments:

- A – Cover Page and Summary Form
- B – Summary of Project Concepts
- C – Final-Proposal Scoring Criteria
- D – Budget Template
- E – Prevailing Wage Compliance
- F – Prevailing Wage Compliance Certification Form
- G – Prevailing Wage Compliance Questions and Answers

ATTACHMENT A

American Recovery and Reinvestment Act of 2009 Cost Share Instructions for Pre-Application Cover Page

Item a (Project Title):

Provide a title for the project that is descriptive of the proposed work. The title must communicate the type of work being proposed. Avoid trademarked names and acronyms that are not well understood by the general public. The title shall not exceed 10 words.

Item b (ARRA Funding Requested):

Provide the amount of ARRA funds you are requesting from the federal government, and the funding opportunity announcement number of the solicitation that you are responding to.

Item c (Energy Commission Funds Requested):

Specify the amount of grant funds you are requesting from the Energy Commission, and the minimum funding required to allow the project to proceed.

Item d (Proposed Project Duration):

Specify how many months you need to complete the project. Project duration cannot exceed 48 months.

Item e (Project Details):

Check the boxes that best characterize the project.

Item f (Principal Investigator/Project Manager):

In most cases the Principal Investigator also serves as the Project Manager. If this is not the case then list the Project Manager in item f.

Item g (PI/PM Certification):

Include the signature of the Principal Investigator/Project Manager. Include a date after the signature.

ATTACHMENT A

American Recovery and Reinvestment Act of 2009 Cost Share Pre-Application Cover Page

- a. Project Title: _____
(not to exceed 10 words)
- b. ARRA Funding Requested: \$ _____
ARRA solicitation FOA/number/identifier: _____
- c. Energy Commission Funding Requested: \$ _____
Minimum amount of Energy Commission funding required for the project to go forward: \$ _____
- d. Proposed Project Duration: _____ (Must not exceed 4 years.)
- e. Project Details (**Please check the boxes that best characterize the project**):

Project Type

- ☐ Fuel Production
- ☐ Fuel Transport/Storage/Blending Facility
- ☐ Fuel Infrastructure (Station, Pump, Electric Charging Facility, Fueling System)
- ☐ Vehicle Deployment (Fleet, Consumer)
 - ☐ Light-Duty
 - ☐ Medium-Duty
 - ☐ Heavy-Duty
- ☐ Vehicle/Engine Technology or Components
- ☐ Performance Test/ Protocol Development
- ☐ Workforce Training, Public Outreach, Education
- ☐ California Manufacturing Plant
- ☐ Other _____

Fuel/Technology

- ☐ Electric Drive
- ☐ Plug-in Hybrid EV
- ☐ Battery Electric Vehicle
- ☐ MD/HD Hybrid or Hydraulic Hybrid
- ☐ Non Road Electric
- ☐ Other _____
- ☐ Natural Gas (CNG, LNG)
- ☐ Renewable Diesel/Biodiesel
- ☐ Hydrogen
- ☐ Ethanol
- ☐ Propane
- ☐ Vehicle Efficiency
- ☐ Other _____

Development Stage

- ☐ Widespread commercial Availability-Consumer Acceptance
- ☐ Early Market Deployment/Development
 - ☐ Fleets
 - ☐ Consumers
 - ☐ Fuel Producers
 - ☐ Infrastructure owners
 - ☐ Manufacturing Plants
- ☐ Market Niche Demonstration and Feasibility
- ☐ Application Research and Development (Validation Test, Prototype Development)
- ☐ Other _____

- f. Principal Investigator/Project Manager (PI/PM): (serves as single point of contact for all communications)

Name:

Address:

Phone:

Fax:

Email:

Organization:

Position/Title:

- g. PI/PM: To the best of my knowledge, I certify that the information contained in this grant application package is true, and discloses all requested information. Proposal does not contain proprietary information, unrestricted distribution authorized.

PI/PM Signature: _____ Date: _____

ATTACHMENT B

American Recovery and Reinvestment Act of 2009 Cost Share Pre-Application Project Summary

Please limit your response to no more than five pages. Be as concise as possible.

- List the American Recovery and Reinvestment Act of 2009 funding opportunity announcement to which you will be responding.
- Describe the project. Identify specific goals, technology and the plan to bring the project to completion, the project duration, and completion date.
- State the amount of funding needed from the Energy Commission, other funding partners, and the total project budget. (The Energy Commission encourages projects that allow significant leveraging of state funds with non-state matching funds).
- Describe how the project will support new technology advancement for vehicles, vessels, engines, and other equipment, and promote the deployment of such technologies in the marketplace. Describe any expected results, in terms of gasoline or diesel fuel displaced, or other appropriate metric. To the extent possible, provide a measurable transition from the nearly exclusive use of petroleum fuels to a diverse portfolio of viable alternative fuels that meets California's petroleum reduction and alternative fuel use goals.
- Describe how the project demonstrates ability and capacity to successfully implement and complete the project proposed for program funding.
- Describe how the project incorporates and achieves the sustainability goals and evaluation criteria summarized in Attachment C.⁴ Use a mix of quantitative and qualitative information, as appropriate to the constraints of the pre-proposal application. Provide a quantified estimate of the project's carbon intensity values for life-cycle scale greenhouse gas emissions.
- Describe how the project provides economic benefits to California by promoting California-based technology firms, new job creation, new business development, economic benefit to low income communities, avoidance of disproportionate impacts to disadvantaged communities, and increased state revenue. Identify the jobs and economic development from this project.
- Describe how the project demonstrates the cost-effectiveness of the proposed technology in achieving greenhouse gas emissions reduction.

⁴ The Energy Commission will release Attachment C in an addendum shortly after release of this solicitation.

ATTACHMENT C

American Recovery and Reinvestment Act of 2009 Cost Share Final Proposal Scoring Criteria

Scoring criteria will be released as an addendum to this solicitation once they are finalized.

ATTACHMENT D

Budget Template

Attachment D is a budget template as an additional file. Because it is an excel file, it is not incorporated here and will be posted separately.

ATTACHMENT E

PREVAILING WAGE SPECIAL CONDITION TEMPLATE

PUBLIC WORKS AND PAYMENT OF PREVAILING WAGE

A. Recipient/General Requirements

1. Recipient shall comply with state prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720 and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, for any “public works” (as that term is defined in the statutes) performed on the Project funded by this Agreement. For purpose of compliance with prevailing wage law, the Recipient shall comply with provisions applicable to an awarding body. Compliance with state prevailing wage law includes without limitation: payment of at least prevailing wage as applicable; overtime and working hour requirements; apprenticeship obligations; payroll recordkeeping requirements; and other obligations as required by law.
2. Recipient shall certify to the Energy Commission on each Payment Request Form, that prevailing wages were paid to eligible workers who provided labor for work covered by the payment request and that the Recipient and all contractors complied with prevailing wage laws.
3. Prior to the release of any retained funds under this Agreement, the Recipient shall submit to the Energy Commission a certificate signed by the Recipient and all contractors performing public works activities stating that prevailing wages were paid as required by law. The required certificate follows these special conditions.

B. Flowdown Requirements

Recipient shall ensure that all agreements with its contractors to perform work related to this Project contain the following provisions:

1. Contractor shall comply with state prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720; and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, for all construction, alteration, demolition, installation, repair or maintenance work over \$1,000 performed under the contract. Contractor’s obligations under prevailing wage laws include without limitation: pay at least the applicable prevailing wage for public works activities performed on the Project; comply with overtime and working hour requirements; comply with apprenticeship obligations; comply with payroll recordkeeping requirements; and comply with other obligations as required by law.
2. Contractor shall ensure that the above requirements are included in all its contracts and any layer of subcontracts for activities for the Project.

ATTACHMENT F

PREVAILING WAGE COMPLIANCE CERTIFICATE

After the public works⁵ activities funded by this Agreement are complete, Recipient must fill out and sign this certificate and obtain the signatures from all of its contractors and any layer of subcontractors involved in public works funded by this Agreement.

This certificate must be completed and submitted to the Energy Commission Project Manager prior to the release of the retained funds under this Agreement.

Recipient:

Energy Commission Agreement Number:

Date Public Works Completed:

Recipient hereby certifies as follows:

1. State prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720 and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, has been complied with for the “public works” (as that term is defined in the statutes) funded by this Agreement, including payment of at least prevailing wage as applicable; overtime and working hour requirements; apprenticeship obligations; payroll recordkeeping requirements; and other obligations as required by law.
2. All contracts and every layer of subcontracts involving public works funded by the above-referenced Agreement contained requirements that the contractor or subcontractor comply with prevailing wage law and pay prevailing wages in accordance with the requirements of the Labor Code.
3. The contractors and subcontractors have maintained labor records as required by the Labor Code and such records shall be made available upon request.
4. The undersigned Recipient acknowledges that disbursement of the retention by the California Energy Commission is expressly made in reliance upon the representations made in this certification.

⁵ Public works is defined in Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720.

Recipient:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Each contractor and subcontractor performing public works (e.g., construction, alteration, demolition, installation, repair or maintenance work) for the Project must sign below. Include additional pages if necessary.

Contractors and subcontractors hereby certify as follows:

1. The contract with the Recipient or the Recipient's contractor to perform work funded by the above-referenced Agreement contained requirements that the contractor and all its subcontractors comply with prevailing wage law and pay prevailing wages in accordance with the requirements of the Labor Code.
2. Prevailing wages have been paid as required by law.
3. Contractor and all its subcontractors have maintained labor records as required by the Labor Code and such records shall be made available upon request.
4. The undersigned acknowledges that disbursement of the retention by the California Energy Commission to the Recipient is expressly made in reliance upon the representations made in this certification.

Construction Contractor #1

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Construction Contractor #2

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Construction Contractor #3

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Construction Contractor #4

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Construction Contractor #5

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

Construction Contractor #6

Company Name:

Signature of Authorized Representative:_____

Printed/Typed Name:

Title:

Date:

ATTACHMENT G

PREVAILING WAGE COMPLIANCE QUESTIONS AND ANSWERS

1. Is Payment of Prevailing Wage Required?

Yes. Any Recipient whose project involves “public works” as the term is defined in defined in Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720, must pay prevailing wages in accordance with the law.

2. Does prevailing wage apply to private entities?

Yes. A private entity must pay prevailing wage under California law if the project involves public works.

3. How do I know if my project involves public works?

The California Labor Code beginning at section 1720 deals with this issue. Labor Code sections 1720 and 1771 define public works as:

- Construction (includes work performed during the design and preconstruction phases of construction including but not limited to, inspection and land surveying work).
- Alteration
- Demolition.
- Installation.
- Repair work.
- Maintenance work.

These Labor Code sections can be found online at <http://www.leginfo.ca.gov/calaw.html>.

Below are some examples (this list is not exhaustive) of the types of activities that typically lead to finding that a project is a public work:

- Cement work such as pouring a cement pad.
- Site preparation such as grading.
- Surveying.
- Electrical work such as wiring.
- Carpentry work.
- Limited inspection activities.

4. What kind of trades or workers must be paid prevailing wage?

The California Department of Industrial Relations (DIR) Division of Labor Statistics and Research (DLSR) makes the final determination on which trades and/or workers are covered by prevailing wage laws. DLSR maintains a list of the covered trades/workers that are entitled to prevailing wage for public works commercial construction projects. See www.dir.ca.gov/dlsr/statistics_research.html or call the DLSR Prevailing Wage Hotline (415) 703-4774 for more information about these trades.

Generally, workers such as the following would be covered trades:

- Operating engineer (heavy equipment operator)
- Surveyor
- Carpenter
- Cement Mason
- Electrician
- Laborer

The following types of workers usually would NOT be covered trades entitled to prevailing wage:

- Engineer
- Project superintendent / construction manager / project manager
- Architect
- Planner
- Computer programmer

The above examples are for general information only. If you have questions about whether a worker is in a covered trade requiring payment of prevailing wages, you should check directly with DIR.

5. What if I am unsure whether my project involves public works and prevailing wage must be paid? How Should I Budget if I am Unsure About Prevailing Wage?

You are encouraged to determine if your project involves public works as soon as possible. In order to determine if your project is a public work, you will need to contact the California Department of Industrial Relations (DIR). They can be reached at (415) 703-4774. If you do not know whether your project is a public work and you have not obtained a determination from DIR that the project is not a public work, you must budget with the assumption that the project is a public work and comply with the prevailing wage laws, including but not limited to the payment of prevailing wages.

On the budget, please indicate whether your budget includes amounts for the payment of prevailing wage. You must indicate “yes” unless you have received a determination from DIR that the project is not a public work.

If you do not budget for prevailing wage, and it is later determined that the project involves public works and prevailing wage must be paid, you may be liable for damages and penalties. You also cannot later increase your grant award if it is determined that prevailing wages apply and increase project costs higher than budgeted. The amount requested in your proposal is the maximum that will be paid. Any increased costs for payment of prevailing wage must be paid with match funds. The Energy Commission’s grant award amount does not change or increase if the applicant’s costs increase for any reason.

6. How do I get assistance in determining whether the project involves public works?

First, call the DLSR Prevailing Wage Hotline, (415) 703-4774. The Prevailing Wage Hotline can frequently give advice quickly on routine questions. If the Prevailing Wage Hotline is unable to answer your question, you will need to write to the Director of DIR for a coverage determination on whether your project involves public works. You would include all the relevant facts and documents related to the project. DIR regulations, Title 8 California Code of Regulations, section 16001(a)(1), provides that any interested party may file a request with the Director of DIR to determine coverage under the prevailing wage laws. The request can be either for a specific project or type of work to be performed that the interested party believes may be subject to or excluded from coverage as public works under the Labor Code. The full text of DIR’s regulations can be found at: <http://ccr.oal.ca.gov>, (Title 8, Division 1, Chapter 8, Subchapter 3, Article 2). Send requests for a coverage determination to:

Department of Industrial Relations
Office of the Director
455 Golden Gate Avenue
San Francisco CA 94102

7. How long will it take to get an answer?

We do not know, but hope that the question can be asked and answered informally and quickly through the Prevailing Wage Hotline. If you need to submit a request to the Director of DIR, it will take longer to get a coverage determination.

- 8. What happens if I make a request to DIR but do not have a decision, or am still unsure whether prevailing wage must be paid, by the time the Energy Commission makes an award at a business meeting, or by the time I execute the grant agreement?**

In this case, the Energy Commission would execute a grant agreement with a budget that assumes prevailing wage is required. If the Recipient, prior to performing the activities in question, then receives a determination from DIR that the project is not a public work, then the Energy Commission can execute an amendment with the Recipient to decrease the budget accordingly. The prevailing wage terms and conditions can also be removed.

- 9. What if I submit a proposal to the Energy Commission with a project that I say is not a public work, and the Energy Commission believes that it might be a public work? How would we resolve our differences?**

We would request that you first call the Prevailing Wage Hotline. If you do not receive an answer, we would request that you write a letter to DIR and ask DIR to make the decision. If DIR says the project is a public work, then you will need to pay prevailing wages. If you do not obtain a DIR determination that the project is not a public work requiring the payment of prevailing wage, then you must assume that the project is a public work and comply with the prevailing wage laws, including paying prevailing wages.

- 10. If my project is a public work, how do I know what prevailing wages are required in order to prepare a budget?**

If your project is a public work, please submit your budget with the applicable prevailing wage for each trade entitled to prevailing wage as determined by DLSR. For prevailing wage rate information for commercial projects, see www.dir.ca.gov/dlsr/statistics_research.html or call the Prevailing Wage Hotline (415) 703-4774. If your project involves residential construction, the rates are not listed on DIR's website, and you must call the DLSR Prevailing Wage Hotline.

- 11. What do I do if workers will be used who do not fit neatly into one of the categories on the DIR website?**

Contact DLSR and describe the type of trade you anticipate will be required in your project and ask whether there is an existing prevailing wage already set by DLSR.

12. Does prevailing wage apply to a public entity that performs project work with its own employees?

No.

13. If my project is considered a public work, then are there any special requirements?

Yes. For example, the grantee must make sure that covered workers are paid prevailing wage. There are other requirements, such as keeping payroll records, complying with working hour requirements, and apprenticeship obligations. See the Labor Code and the sample terms and conditions, Special Condition regarding Prevailing Wage.